United Nations A/HRC/34/56*

General Assembly

Distr.: General
16 January 2017

Original: English

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur in the field of cultural rights

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur in the field of cultural rights, Karima Bennoune, pursuant to Council resolution 19/6. In the report, the Special Rapporteur addresses the phenomena of fundamentalism and extremism and their grave impact on the enjoyment of cultural rights. She stresses that these are human rights issues requiring a human rights-based response, which she outlines. In the report, she argues that cultural rights can play a key role in combating fundamentalism and extremism.

* Reissued for technical reasons on 15 February 2017.

GE.17-00610(E)

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I. Introduction

1. Rising tides of fundamentalism and extremism, in diverse forms, today represent major threats to human rights worldwide and are growing challenges that must be faced with urgency, using a human rights approach. In the present report,[1] the Special Rapporteur maps how such threats gravely undermine the enjoyment of cultural rights and stresses the centrality of cultural rights in combating them. It employs the term "fundamentalism" for actors using a putatively religious discourse and "extremism" for movements with other bases. Methodologically, it highlights analysis of experts and civil society actors who have confronted these problems for decades to ensure their words are heard in the United Nations. A follow up report to the General Assembly will provide further detail.

2. We face a worldwide struggle to defend intellectual freedom and the rationality on which it is based. Moreover, at the heart of the fundamentalist and extremist paradigms are rejections of equality and universality of human rights, making unwavering defence of those principles the touchstone of the human rights response.

3. There are common themes across fundamentalist and extremist abuses of cultural rights. Such abuses often involve attempts at cultural engineering aimed at redesigning culture based on monolithic world views, focused on "purity" and enmity toward "the other", policing "honour" and "modesty", claiming cultural and moral superiority, imposing a claimed "true religion" or "authentic culture" along with dress and behaviour codes often alien to the lived cultures of local populations, stifling freedom of artistic expression and curtailing scientific freedom. They also aim to limit the enjoyment of women's human rights and restrict the sexual and reproductive rights of all. Fundamentalist and extremist groups often seek to quash the expression of cultural opposition to their own agenda. Diverse religious fundamentalists have sought to punish cultural expression antithetical to their interpretations of religion through blasphemy laws, gender discriminatory family laws, campaigns of harassment, education that does not conform to human rights standards, human rights abuses and outright violence. Extremists often harass and target members of minority groups and lesbian, gay, bisexual and transgender persons as they seek to enjoy their equal cultural rights (see A/HRC/29/23 and A/HRC/19/41).

A. Defining and understanding fundamentalism and extremism

4. Fundamentalisms are: "political movements of the extreme right, which in a context of globalization ... manipulate religion, culture or ethnicity, in order to achieve their political aims".[2] They usually articulate public governance projects, in keeping with their theocratic visions, and impose their interpretation of religious doctrine on others as law or public policy, so as to consolidate social, economic and political power in a hegemonic and coercive manner.[3] The Special Rapporteur on the rights to freedom of peaceful assembly

[1] Country situations mentioned herein include cases that have been the subject of previous consideration by United Nations mechanisms and officials, reports from States, multilateral institutions and civil society organizations. The present report also draws from, "'Unless someone Hears Us ...': a memorandum on fundamentalist and extremist violence against women: a grave threat to women's human rights around the world" (University of California, Davis School of Law UN Team).

[2] Marieme Hélie-Lucas, "What is your tribe? Women's struggles and the construction of muslimness", in "Dossier 23-24", Harsh Kapoor, ed. (London, Women Living Under Muslim Laws, 2001), pp. 49 and 51.

[3] Jessica Horn, "Christian fundamentalisms and women's rights in the African context: mapping the

and of association defines fundamentalism expansively to include any movements — not simply religious ones — that advocate strict and literal adherence to a set of basic beliefs or principles. "Fundamentalism is not simply about terrorism, extremism or even religion. It is, at bottom, a mindset based on intolerance of difference" (see A/HRC/32/36, para. 90).

5. Cultural fundamentalists often seek to erase the culture of others and the syncretic nature of culture and religion and stamp out cultural diversity.[4] Such efforts represent the misuse of what is claimed to be culture against cultural rights.

6. Fundamentalisms have emerged out of all of the world's major religious traditions, including Buddhism, Christianity, Hinduism, Islam and Judaism, and others. Given the religious claims of their proponents, they are especially difficult and dangerous to contest. In each case, they represent a minority phenomenon distinct from the broader religious tradition itself, although drawing selectively from it. No religion is inherently fundamentalist nor should fundamentalist views be imputed to all adherents of any religion.

7. Opposition to fundamentalism is not akin to an anti-religion stance. Both religious believers who do not conform to fundamentalist dogma, including clergy, and non-religious people have often been targets of fundamentalist movements. Both have played important roles in the human rights struggle against fundamentalism.

8. Fundamentalist groups often seek to impose a politicized version of religion alien to local populations, aiming at eradication of lived local cultural and religious practice. They may cross borders physically and virtually and recruit, fundraise, train and act in many different countries simultaneously. A transnational response beyond the frame of a single State alone is essential.

9. The Special Rapporteur employs the term "extremism" alongside "fundamentalism" because it plays a significant role in United Nations debates and includes movements not drawing from religion. However, the question of definition should always be carefully considered and applied in accordance with relevant international human rights norms. The concept is relational and assumes a scale, with such views situated at the farthest end thereof.

10. Extremism is a broader and more fluid concept than fundamentalism but also more vague and liable to abuse. Hence, the term "fundamentalism" should be used instead, where appropriate, reserving the term "extremism" for more limited circumstances outside its parameters. Fundamentalism is a form of extremism and any meaningful effort to combat extremism must include a focus on fundamentalism.

11. Both the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism have been critical of broad and vague definitions of extremism or violent extremism in national legislation that fail to limit the discretion of executive authorities. This has direct consequences for freedom of expression and other human rights and has been misused to justify imprisonment of journalists and civil society activists, whose work bears no connection to extremism.

12. The Special Rapporteur is gravely concerned about the misuse of the concepts of extremism and violent extremism to repress activities undertaken in accordance with international human rights standards, which undercuts the much-needed fight against actual

terrain", p. 1.

[4] "Gender and Fundamentalisms: proceedings of the Gender Institute: Gender, Culture and Fundamentalisms in Africa", Fatou Sow, ed. (CODESRIA 2015).

extremism. She stresses the crucial importance of effectively combating fundamentalism, extremism and violent extremism taking into consideration the human rights framework.

13. Some forms of contemporary extremism that have a particular impact on cultural rights focus on myths of a homogenous nation, claims of ethnic or racial superiority or purity, and populist ultranationalism directed against liberal and pluralistic democracy. Much of the contemporary assault on cultural rights from extremism emanates from the far right of the political spectrum, which is ascendant or in power in many places.

14. The Special Rapporteur takes note of a set of indicators to aid in recognition of extremism distilled from social scientists by the former Officer-in-Charge of the Terrorism Prevention Branch at the United Nations Office on Drugs and Crime. The most relevant include that:

> Extremists tend to … seek to … (re-)establish what they consider the natural order in society — whether … based on race, class, faith, ethnic superiority, or alleged tradition; are usually in possession of an ideological programme or action plan aimed at taking and holding communal or state power; … reject universal human rights and show a lack of empathy and disregard for rights of other than their own people; … reject diversity and pluralism in favour of their preferred mono-culture society; … portray themselves as threatened …[5]

15. The United Nations system has focused most of its attention on violent extremism, recognizing that it has multiple "forms and manifestations" (see General Assembly resolution 68/127), but mostly declining to define it.[6] Most commonly, it gives less attention to extremist ideology that might result in similarly severe consequences or ultimately in additional violence and has thus far failed to adequately reference fundamentalism per se, despite its grave impact on human rights.

16. The Special Rapporteur also believes that the links between fundamentalism and extremism on the one hand and violent extremism and terrorism on the other must be recognized, as must the inherently dangerous nature of the underlying ideologies themselves for human rights. Some fundamentalist and extremist forces, including certain transnational political parties, may pass themselves off as "moderate". Yet, they provide the ground on which militant extremists stand by promoting the very discriminatory laws and practices that the Special Rapporteur on freedom of religion or belief finds to have a strong link to incitement to violence in the name of religion (see A/HRC/28/66, para. 11). The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that fundamentalist "mindsets … can form the ideological basis for such violations" (see A/HRC/32/36, para. 90).

17. Governments must not make the mistake of thinking they can use so-called "non-violent extremism", which often includes advocacy of discrimination against women and minorities and fosters violence against them, as a tool to fight what they deem violent extremism. The highest price for such blunders is paid by women. Extremist actors will not be truly disarmed unless their ideology is comprehensively challenged and repudiated. This connection between ideologies contrary to human rights norms and the practices that

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[5] Alex P. Schmid, "Violent and non-violent extremism: two sides of the same coin?" (International Centre for Counterterrorism, 2014), pp. 21-22.

[6] An exception is to be found in UNESCO's "A Teacher's Guide on the Prevention of Violent Extremism" (2016), p. 11, which defines violent extremism as "the beliefs and actions of people who support or use ideologically-motivated violence to achieve radical ideological, religious or political views".

violate them explains why the United Nations did not simply focus on the abuses attendant on apartheid, but sought to dislodge the idea of racial superiority itself.[7]

18. The human rights approach to fundamentalism and extremism should encompass State and non-State actors. It is unclear how Governments that espouse ideologies and policies reminiscent of those advocated by violent extremist armed groups can successfully defeat those groups without undertaking significant reform, as they create fertile ground for the implantation of similar policies.

B. A human rights approach to fundamentalism and extremism

19. Fundamentalism and extremism are human rights issues. It is critical to focus not only on the security implications thereof, but also on their impact on a broad range of rights, including cultural rights, and to take a human rights approach to addressing them. Full implementation of human rights norms is a critical tool for combating fundamentalism and extremism, as well as a limitation on how this can be done.

20. Cultural rights are a critical component of the human rights approach and the defence of these rights today requires tackling fundamentalism and extremism. Policies that combat discrimination in the right to take part in cultural life or promote freedom of artistic expression, scientific freedom and education in accordance with international human rights norms are core aspects of combating fundamentalism and extremism.

21. The Special Rapporteur notes the significant contributions of civil society in this regard, such as the T2F cultural centre in Karachi, Pakistan, which offers space for a wide range of cultural and intellectual activities promoting dialogue and tolerance. Its late founder Sabeen Mahmud, herself later assassinated reportedly by a jihadist, argued: "You need that time and that engagement to hear out the other person as well as to present your viewpoint".[8] Another example comes from the mixed poetry events of the Organization of Women's Freedom in Iraq in its Baghdad offices, bringing together poets across sectarian divides in "Freedom Space No. 1". "We were amazed to see that improvised popular poetry ... created a magical atmosphere where there were no differences: men, women, Sunni, Shiite, age, nothing was a barrier anymore between people."[9] When Governments imprison or censor the very voices of those who are standing up to extremists and are threatened by them or fail to protect them, they facilitate the rise of extremism.

22. Arts, education, science and culture are among the best ways to fight fundamentalism and extremism. They are not luxuries, but critical to creating alternatives, making space for peaceful contestation, promoting inclusion and protecting youth from radicalization. In an era of rising extremism and fundamentalism, the world has generally witnessed increasing military spending and decreasing cultural funding. At a minimum, the recommendation of the United Nations Educational, Scientific and Cultural Organization (UNESCO) that Governments use 1 per cent of total expenditures for culture must be respected.

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[7] See General Assembly resolution 395 (V), preamble: "a policy of 'racial segregation' (*Apartheid*) is necessarily based on doctrines of racial discrimination". The preamble to the International Convention on All Forms of Racial Discrimination commits to preventing and combating "racist doctrines".

[8] Open Democracy, "Sabeen Mahmud: 'I stand up for what I believe in, but I can't fight guns'", 25 April 2015.

[9] Association for Women's Rights in Development, "Towards a future without fundamentalisms: analyzing religious fundamentalist strategies and feminist responses" (2012), p. 67.

23. A democratic society, by definition, recognizes differing viewpoints and the rights to freedom of association and expression — concepts that fundamentalists sometimes seek to exploit, while denying these very rights to others. Campaigning or militating against entire groups of people — such as religious or ethnic minorities, non-religious persons, women, refugees and migrants or lesbian, gay, bisexual and transgender persons — or seeking to impose one interpretation of religion on all is beyond the pale. Under international human rights law, the right to political belief or participation and other rights may not be lawfully employed to undermine the internationally guaranteed rights of others.[10]

24. Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them and by guaranteeing education aimed at the objectives specified in article 13 (1) of the International Covenant on Economic, Social and Cultural Rights and article 26 (2) of the Universal Declaration of Human Rights, as interpreted by the Committee on Economic, Social and Cultural Rights in general comment No. 13 (1999) on the right to education. Such education should strengthen respect for human rights, promote understanding, tolerance and gender equality and be informed by humanism. States should promote culture in defence of cultural rights.

25. Another crucial step is to reinvest in the field of culture, with the aim of creating conditions that allow all people, without discrimination, to access, participate in and contribute to cultural life in a continuously developing manner. The key is creating an environment conducive to cultural democracies. Programmes must aim at promoting in particular: (a) human creativity; (b) the rights of individuals and groups to participate — or not to participate — in the cultural life of their choice and to conduct their own cultural practices; (c) the right of individuals and groups to interact and exchange, regardless of group affiliation and of frontiers; and (d) the rights of individuals and groups to enjoy and have access to the arts and knowledge, including scientific knowledge. It is necessary to preserve existing spaces and institutions, as well as creating new ones, for people to learn, develop their creativity, experience the humanity of others and exercise their critical thinking, and for their civic engagement.

26. The Special Rapporteur notes with concern that, due in particular to financial crises and austerity measures adopted in a number of States, programmes in the field of culture often suffer the most. This is a serious mistake. Austerity measures often lead to a situation where the fields of education and culture, inter alia, will be left to others, in particular those with fundamentalist agendas. More generally, the Special Rapporteur is convinced the full implementation of the range of economic, social and cultural rights constitutes an important part of the response to fundamentalist and extremist agendas.

27. States must respect, protect and fulfil human rights, in particular cultural rights, meaning that they must: (a) stop supporting directly or indirectly fundamentalist ideologies; (b) protect all persons from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions allowing all people to access, participate in and contribute to cultural life, without discrimination.

28. The Special Rapporteur appeals in particular to civil society around the world and the international human rights movement to unite in exposing and opposing fundamentalist and extremist ideology, as some have done without much support for many years, and to support those resisting fundamentalist assaults on cultural life on the front lines.

[10] International Covenant on Civil and Political Rights, art. 5, and International Covenant on Economic, Social and Cultural Rights, art. 5.

29. Diverse fundamentalists often work together tactically at the international level to thwart advances in human rights protection, in particular regarding women's human rights or those of lesbian, gay, bisexual and transgender persons.[11] Different manifestations of fundamentalism and extremism, such as Christian and Muslim fundamentalists or Hungarian and Russian ultranationalists (who are seemingly political opponents), often reinforce each other through "reciprocal radicalization".[12] They often use similar rhetoric and have similar world views; their violence reportedly spikes around the same times and they use each other's actions to justify their own and gain support.[13]

30. Hence, the human rights struggle against each manifestation of fundamentalism or extremism, rather than being in competition or in tension with the struggle against other manifestations, is complementary. One form of fundamentalism or extremism is not a justification for another. Each is a reinforcing reminder of the global humanist crisis that lies before us. We must break out of this vicious circle that will leave youth globally facing a political landscape offering only a bleak choice of competing extremisms.

31. There is no clash of civilizations. Increasingly, however, there is a clash within each civilization between those who champion human equality and universal human rights and those who do not, sometimes due to fundamentalist or extremist ideology. The Special Rapporteur is deeply concerned at the normalization of fundamentalist and extremist ideology and rhetoric in many political, cultural and media contexts, in particular through its increasing embrace by mainstream political parties and candidates. The United Nations High Commissioner for Human Rights recently denounced the "banalization of bigotry".[14] Human rights norms, including cultural rights, should be used to constantly remind us of the unacceptability of these proliferating denials of human dignity.

32. There is a spectrum of fundamentalism and extremism. In some places, these forces are civil society actors operating within the framework of strong States and functioning democracies. They may not use or advocate violence, or do so only sporadically. Elsewhere, these movements are ascendant and State structures are relatively weaker. In the worst-case scenario, fundamentalist or extremist non-State actors use violence systematically, rising even to the level of genocide, in weak conflict or post-conflict States. They control territory and are able to impose the most extreme violations of human rights, what has been termed "hyper-extremism".[15] In still other places, the fundamentalist and extremist actors are formally in power and have the structures of the State at their disposal in pursuing their agenda. Civil society opponents of fundamentalism and extremism may find themselves surrounded by non-State fundamentalists or extremists on the one hand and repressive Governments on the other, both of which seek to constrain the very action needed to defend human rights. Governments may then begin to impose aspects of the fundamentalist agenda so as to maintain political power. Sometimes State and non-State actors collude in this regard.

33. Each situation poses a distinct level of threats to cultural rights. Yet, over time, one situation unchecked can give rise to another that is even worse. Preventive action is necessary across the spectrum. Both the basic obligation of States to respect human rights,

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[11] See, e.g., Michelle Goldberg, *The Means of Reproduction: Sex, power and the future of the world* (London, Penguin, 2010).

[12] See Julia Ebner, "How far right and Islamist extremists amplify each other's rhetoric", TEDx Vienna Talk, October 2016.

[13] See Ahmad Sultan and Omar Fahmy, "Militant Islamist groups believe Trump's rhetoric will help recruitment", CBC News, 14 November 2016.

[14] See www.un.org/apps/news/story.asp?NewsID=54862#.

[15] See Aid to the Church in Need, "Religious Freedom in the World Report 2016".

and their obligation to exercise due diligence in ensuring rights from harm by non-State actors are relevant, as is finding creative ways to hold non-State actors directly accountable.

34. Governments and non-governmental forces have been involved in promoting fundamentalism and extremism abroad, including through funding and education that is not compliant with international standards, and this has had significant consequences for cultural rights. Such contributing factors must be documented, condemned and combated.

35. It is also critical that the international community listen to the local opponents of fundamentalism and extremism, human rights defenders, including women human rights defenders, who have in some cases been battling them alone for decades. Despite unparalleled expertise, they are often not invited to international gatherings to discuss strategy, nor is their work consulted, nor do they receive sufficient solidarity.

36. Civil society plays a vital role in combating fundamentalism and extremism using diverse strategies. Wherever there are active fundamentalist and extremist movements, there are also peaceful opponents of those movements. For example, Católicas por el Derecho a Decidir advocates for women's rights across Latin America with a feminist interpretation of Catholic doctrine and innovative animated series "Catolicadas".[16]

37. However, civil society is often constrained in its ability to carry out these functions through limitations on freedom of association, arrest, harassment, threats and violence (see Human Rights Council resolution 32/31). In certain instances, civil society groups that oppose fundamentalist and extremist ideologies are themselves branded as threats to State security and "terrorists". This gravely undermines the much-needed struggle against fundamentalism and extremism.

38. The civil society actors confronting fundamentalists require resources, structures, visibility and access to media outlets so that their efforts can crystallize into a more systematic and institutionalized opposition; many of them have called for clear support for the separation of religion and State as a way of bolstering their efforts.

39. The Special Rapporteur notes that there are also groups in civil society that promote and act upon fundamentalist and extremist agendas harmful to human rights and this is an issue that the international human rights movement must itself tackle.[17] While "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms" according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, such human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights and act in accordance with international human rights norms.[18] Groups that promote fundamentalist and extremist agendas aiming at the destruction of such rights and that undermine universality cannot be viewed as human rights defenders and, while their own human rights must be respected, as per the terms of human rights norms, they should not misuse the mantle of human rights to advance their destructive activities and agendas.

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[16] See http://catolicasmexico.org/ns/?page_id=4464.

[17] See, e.g., Observatory on the Universality of Rights (forthcoming, 2016), "Periodic report on anti-rights trends at the international human rights level". Note also the issues raised by leading South Asian human rights defenders "about the importance of the human rights movement maintaining an objective distance from groups and ideas that are committed to systematic discrimination" in the "Global petition to Amnesty International: restoring the integrity of human rights", February 2010. Available at www.global-sisterhood-network.org/content/view/2412/76/.

[18] See www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

II. International legal framework

A. Relevant international standards

40. Depending on the specific manifestation, fundamentalist and extremist ideologies and, in particular, the actions they incite may give rise to violations of a broad range of internationally guaranteed human rights. These include the rights to equality, life, liberty, bodily integrity and humane treatment, freedom from torture, the right to privacy, freedom of opinion, of peaceful assembly and of association, the right to take part in cultural life, scientific and artistic freedom, free consent in marriage, the full panoply of sexual and reproductive rights, as well as the rights to health, education, political participation, freedom from slavery and slavery-like practices, work, freedom of expression, and freedom of thought, conscience and religion. Particular attention has to be paid to the rights of women, minorities, lesbian, gay, bisexual and transgender persons, refugees and migrants.

41. In the most extreme cases, the full spectrum of human rights may be violated, and specific violent practices of fundamentalist and extremist groups may constitute acts of terrorism, and/or international crimes, including crimes against humanity, genocide, war crimes or other violations of international humanitarian law. This is true whether the specific perpetrators are State or non-State actors and wherever these violations take place. It is in the context of this broader, systematic threat to so many human rights that the grave effects of fundamentalism and extremism on cultural rights must be seen.

42. The Special Rapporteur stresses the State's obligations to respect human rights and to protect them from acts of non-State actors, including fundamentalist and extremist groups, in particular the right to hold and express opinions without interference on any matter, including religion, culture and tradition. States also must respect and protect freedom of thought, conscience and religion, including the right to be a religious believer but also the "right not to profess any religion or belief".[19] In addition, "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice".[20] Acts of fundamentalist and extremist Governments or movements that aim at shaping, through coercion or abuse, adherence to certain beliefs, world visions and cultural practices are contrary to human rights standards.

43. The Special Rapporteur underlines the centrality and importance of cultural rights, based in particular on article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, meaning the rights for each person, as well as groups, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, languages, knowledge and the arts, and ways of life. Cultural rights also protect access to and enjoyment of cultural heritage, freedom of artistic expression and scientific freedom. States must respect these rights and protect them from interference by fundamentalist and extremist movements. Article 2 (2) of the Covenant prohibits discrimination with regard to these rights, while article 3 states that men and women are equally entitled to the enjoyment of economic, social and cultural rights.

44. Artistic freedom is protected under articles 15 (3) of the International Covenant on Economic, Social and Cultural Rights, 19 (2) of the International Covenant on Civil and Political Rights and 27 of the Universal Declaration of Human Rights. Artistic freedom

[19] See Human Rights Committee, general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 2.

[20] International Covenant on Civil and Political Rights, art. 18 (2).

includes the right to freedom of opinion, and freedom of thought, conscience and religion, as art is also a means of expressing a belief (see A/HRC/23/34, para. 11).

45. The obligation of States to fulfil cultural rights is also crucial. General comment No. 21 (2009) of the Committee on Economic, Social and Cultural Rights on the right of everyone to take part in cultural life contains many recommendations that are important as a response to fundamentalist and extremist ideologies. In particular, under their obligation to facilitate, States should adopt "policies for the protection and promotion of cultural diversity, and facilitating access to a rich and diversified range of cultural expressions". They should also adopt policies enabling people "to engage freely and without discrimination in their own cultural practices and those of others, and to choose freely their way of life", and take "measures to create conditions conducive to a constructive intercultural relationship between individuals and groups based on mutual respect, understanding and tolerance". In addition, the obligation to promote requires States to develop education and awareness-raising programmes on the need to respect cultural heritage and cultural diversity. The obligation to fulfil requires that States develop legislation and mechanisms allowing people "to participate effectively in decision-making processes, to claim protection of their right to take part in cultural life, and to claim and receive compensation if their rights have been violated".

46. Cultural rights are not tantamount to cultural relativism. They are not an excuse for violations of other human rights, do not justify discrimination or violence and are not a licence to impose identities or practices on others or to exclude them from either in violation of international law. They are firmly embedded in the universal human rights framework. Hence, the implementation of human rights must take into consideration respect for cultural rights, even as cultural rights themselves must take into consideration respect for other universal human rights norms (see A/HRC/31/59, para. 27).

47. The foundational principle anchored in article 1 of the Universal Declaration of Human Rights holds that "all human beings are born free and equal in dignity and rights". In article 5 of the Vienna Declaration and Programme of Action, States agreed not only that "all human rights are universal" but that "while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights".

48. Universality is one of the most important tools in the struggle against the harmful effects of fundamentalism and extremism and must be defended. When States undermine universality, they aid and abet extremism. Cultural relativism has been clearly and repeatedly rejected by international human rights law. As expressed in article 4 of the UNESCO Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.[21]

49. In its general comment No. 28, interpreting article 3 of the International Covenant on Civil and Political Rights, the Human Rights Committee explained that "States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights".[22] The legal commitment to ensure these rights requires the State to take such action to defend equality from abuses both by private actors and State actors.

[21] See also Human Rights Council resolution 28/9.

[22] Human Rights Committee, general comment No. 28 (2000) on equality of rights between men and women, para. 5.

50. The right to hold and express opinions without interference, enshrined in article 19 of the International Covenant on Civil and Political Rights, includes the right to hold and freely express opinions on religion, culture and tradition without interference, the latter subject only to the limitations specified. The right to freedom of expression includes the right to engage in expression considered anathema according to the religious or ideological beliefs of others, in accordance with international standards. This is also vital for cultural rights, including scientific freedom. In the absence of such a guarantee, human beings might still not know that the earth is not flat.

51. The freedom of thought, conscience and religion guaranteed in the Covenant includes the right to be a religious believer and as the Human Rights Committee noted in general comment No. 22, the "right not to profess any religion or belief". While the underlying right to freedom of religion in the International Covenant on Civil and Political Rights is unconditional, the Covenant distinguishes this from the right to manifest one's religion, which is subject to certain limitations. These are found in article 18 (3), in which it is stated:

> Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

In its general comment No. 28, the Human Rights Committee determined that "article 18 [of the Covenant] may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion".

52. Fundamentalists sometimes seek to advance their agenda internationally or to shield themselves from scrutiny by deploying the language of human rights and religious freedom in particular. The Special Rapporteur stresses in this respect the importance of article 30 of the Universal Declaration of Human Rights, as well as of common article 5 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights, which warn that nothing in these instruments shall be interpreted as implying for any State, group or person any right to engage in any activity aimed at the destruction of any of the rights and freedoms recognized therein. The original intention of the drafters was to impede the abusive exercise of certain rights of the International Covenant on Civil and Political Rights by individuals and groups supportive of totalitarian ideologies, which have many commonalities with some extremist and fundamentalist movements. While these provisions can be the object of government misuse, they also serve as a purposeful marker of the need to consider the rights of others when interpreting certain rights in context. As underscored previously, it is crucial to combat fundamentalism, extremism and violent extremism, and to do so taking into consideration the human rights framework and in particular the regime of limitations to human rights.

B. Analysis of fundamentalism and extremism in the United Nations system

53. The United Nations human rights system has commented sporadically on issues of fundamentalism and extremism and a more systematic approach should be developed. However, some important statements have been made expressing concern about fundamentalism and extremism as ideological bases for human rights violations.

54. In 2016, the Special Rapporteur on the rights to freedom of peaceful assembly and of association addressed the impact of fundamentalism on the rights within his mandate (see A/HRC/32/36). He highlighted the role of both State and non-State actors and that fundamentalism poses the greatest threat to human rights when it becomes closely allied with power, and is adopted or tacitly approved by entities with the means to impose

adherence. The report argues that assembly and association rights can play a positive role in preventing extremism.

55. Former Secretary-General Kofi Annan noted in a 2006 report to the General Assembly that "the politicization of culture in the form of religious 'fundamentalisms' in diverse ... religious contexts has become a serious challenge to efforts to secure women's human rights" (see A/61/122/Add.1, para. 81). The former Special Rapporteur on religious intolerance, Abdelfattah Amor, noted the rise of religious extremism and its negative impact on the rights protected by his mandate (see E/CN.4/1999/58, paras. 115-127). Further, he called for the elaboration of a "minimum set of standard rules ... in respect of religious extremism" (ibid., para. 125 (a)).

56. The Commission on Human Rights in 1998 urged States to "take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women" (resolution 1998/18, para. 4 (c)).

57. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, "stresse[d] the importance of ... the eradication of any conflicts which may arise between the rights of women and the harmful effects of ... religious extremism" (para. 38).

58. The issues of fundamentalism and extremism per se have not been systematically analysed by the United Nations human rights treaty bodies, which have instead tackled symptoms of these underlying problems and sometimes critiqued human right abuses by Governments in response. No treaty body has ever issued a general comment specific to the problem of fundamentalism or extremism. The issue has been mentioned by some treaty bodies, such as in the concluding comments of the Committee on the Elimination of Discrimination against Women on a report of Tunisia, noting that "the promotion of women's rights was the best safeguard against extremist ... movements" (see A/50/38, para. 262).

59. In 2014, the Security Council adopted resolution 2178 (2014), encouraging Member States to empower youth, families, women, religious, cultural and education leaders in their fight against violent extremism (para. 16). In 2015, the Security Council adopted resolution 2250 (2015), in which it emphasized the importance of education in countering violent extremism. These resolutions created the basis for further involvement of UNESCO in efforts to counter extremism, an approach which the Special Rapporteur supports, and which requires adequate resources.

60. The Special Rapporteur concurs with the Secretary-General and the United Nations Development Programme that implementation of the Sustainable Development Goals is a critical component of combating violent extremism, and indeed all forms of extremism and fundamentalism.[23] However, extremism and fundamentalism are also undoubtedly major obstacles to the successful implementation of the Sustainable Development Goals and the Special Rapporteur regrets that this fact did not receive adequate attention in the 2030 Agenda for Sustainable Development. In particular, there are serious implications for the goals regarding health, education, promotion of inclusive societies and, especially, gender equality.

[23] See the Secretary-General's Plan of Action to Prevent Violent Extremism (A/70/674), and United Nations Development Programme, *Preventing Violent Extremism through Promoting Inclusive Development, Tolerance and Respect for Diversity: report of the global meeting*, p. 27.

III. Fundamentalism, extremism and cultural rights

61. Across most areas of the Special Rapporteur's mandate, fundamentalism and extremism give rise to widespread abuses of cultural rights. Examples below should be seen as part of a broader systematic assault on human rights. The Special Rapporteur has addressed destruction of cultural heritage, including by fundamentalists and extremists, in two previous reports (A/HRC/31/59 and A/71/317).

A. Freedom of artistic expression and attacks against artists

62. The former Special Rapporteur on cultural rights released, in 2013, a thematic study on the right to freedom of artistic expression. Fundamentalist and extremist State and non-State actors often threaten this right. Artists have been accused of "blasphemy" or "religious defamation", insulting "religious feelings" or inciting "religious hatred" (see A/HRC/23/34, para. 47). They are targeted both because creativity and expression per se are seen as a threat by fundamentalists and extremists, but also because artists often resist and offer alternatives to fundamentalist and extremist agendas. The history and practice of women's artistic expression is often erased by diverse fundamentalists. Entire artistic practices, such as music, are sometimes banned as by jihadist groups in northern Mali during the 2012 occupation. Restrictions to and violations of artistic freedom create an unsafe environment for all engaged in the arts and their audiences and undermine efforts to counter extremism and fundamentalism.

63. For example, Palestinian poet Ashraf Fayadh was sentenced to death in 2015 by a Saudi Arabian court for accusations including "apostasy" and "promoting atheism" (see A/HRC/31/79, case SAU 10/2015, and A/HRC/32/53, p. 113). His sentence was later reduced to eight years in prison and 800 lashes, but has been appealed. The Special Rapporteur, noting the reply of the Saudi authorities on this matter (A/HRC/32/53, p. 113), considers that criminalization of "apostasy" and "expressions of an atheist nature" are grave violations of international human rights law.

64. In 2016, alongside the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur called on the Islamic Republic of Iran to release Mahdi Rajabian, founder of BargMusic, and film-maker Hossein Rajabian, jointly sentenced to three years in prison for "insulting Islamic sanctities" and "illegal audiovisual activities".[24]

65. In 2012, the previous Special Rapporteur on cultural rights also expressed concern about threats and violence committed against artists and academics in Tunisia by Salafist groups and at their instigation (see A/HRC/22/67, case TUN 2/2012 and State response).

66. In 2015, the Special Rapporteur denounced the terrorist attacks of 13 November in Paris, which deliberately targeted sites where people enjoy their cultural rights. The claim of responsibility for the attacks by Islamic State in Iraq and the Levant labelled the rock fans at Bataclan as "pagans". The Special Rapporteur appealed to civil society around the world "to support those resisting such fundamentalist assaults on cultural life on the frontlines from West Africa to South Asia and beyond".[25]

[24] "'Artistic expression is not a crime' — UN rights experts urge the Iranian Government to free jailed artists", 24 June 2016; see also A/HRC/33/32, case JUA IRN 4/2016 and State reply.

[25] "Paris attacks: 'Crime against humanity, crime against culture' — UN expert on cultural rights", 17 November 2015.

67. The Special Rapporteur was informed of many more cases around the world where artistic freedom was curtailed in the name of fundamentalist interpretations of religion by State and non-State actors, for example when, in 2015, the director and head of Novosibirsk State Opera and Ballet Theatre was fired for having staged Wagner's opera *Tannhauser*, said to offend Orthodox believers and desecrate "a symbol revered by Christians";[26] or when singers were not allowed to perform by Christian festivals or were dropped from Christian record labels in the United States of America because of their sexual orientation.[27] The Special Rapporteur notes the reported ban in April 2016 of all outdoor concerts in the West Aceh province of Indonesia on a recommendation from a group of Muslim scholars.[28] There are also many reports about the "climate of growing intolerance in India where those who challenge orthodoxy or fundamentalism have become increasingly vulnerable",[29] where a fundamentalist group has offered to cut off the tongues of writers who insult Hinduism and where rationalist writers, such as Malleshappa Kalburgi, have been assassinated with impunity.[30]

68. It is impossible to list all the artists killed by diverse fundamentalists and extremists. Notable recent cases include the 2014 assassination by Al-Shabaab of Saado Ali Warsame, a singer and member of the Somali parliament known for appearing onstage bareheaded, and the 2016 slaying of Amjad Sabri, a Pakistani Sufi devotional singer in 2016 for which the Pakistani Taliban claimed responsibility on the basis of alleged "blasphemy".[31]

69. Despite such threats, artists and intellectuals have continued to play key roles in challenging diverse fundamentalists and extremists. For example, in response to what they perceived as "rising intolerance and growing assault on free speech", coupled with violence against intellectuals, approximately 40 leading Indian writers from many different ethnic and linguistic backgrounds returned their literary awards in protest.[32]

B. Attacks against intellectuals and cultural rights defenders

70. Fundamentalist and extremist movements have often targeted intellectuals, in particular those who have opposed them. Their aim is to decapitate society, wiping out its culture and frightening others into silence. Past examples include the widespread assassinations of Algerian intellectuals by fundamentalist armed groups during the 1990s.[33]

71. The recent spate of jihadist attacks on writers, publishers and freethinkers in Bangladesh and the placing of others on a death list represents a continuation of this phenomenon. This has included the February 2015 murders of Washiqur Rahman Babu and Avijit Roy, secular bloggers and journalists, as well as the publisher of Mr. Roy's work,

[26] Arts Freedom, "Russia: Theatre director fired for staging opera that offended church", 2 April 2015.
[27] FreeMuse, "USA: Christian music festival drops band due to gay singer", 11 September 2016.
[28] FreeMuse, "Indonesia: West Aceh bans outdoor concerts", 11 April 2016.
[29] PEN writers' statement of solidarity made at the eighty-first PEN International Congress, on 17 October 2015 in Quebec City.
[30] South Asia Citizens Web, "Growing intolerance: a letter to the President of India by Creative and Academic Community of West Bengal", 16 October 2015, and Indian Cultural Forum, "National protest marking one year since M.M. Kalburgi's assassination" (available from http://indianculturalforum.in/2016/09/02/national-protest-marking-one-year-since-m-m-kalburgis-assassination/).
[31] NPR Music, "Why was a prominent Muslim musician gunned down in Pakistan?", 26 June 2016. Available from www.npr.org/2016/06/26/483211557/why-was-a-prominent-muslim-musician-gunned-down-in-pakistan.
[32] BBC News, "How India's writers are fighting intolerance", 13 October 2015.
[33] See UNESCO, *Violence: A UNESCO Sourcebook* (1995).

Faisal Arefin Dipan, in October 2015 (see A/HRC/30/27, case BGD/2/2015 and A/HRC/31/79, State reply).

72. The Special Rapporteur regrets she did not receive a substantive reply from the Government of Bangladesh to her communication on the need to protect at-risk intellectuals. Moreover, she deplores subsequent government statements, which criticized the writers themselves. As Rafida Ahmed, widow of Mr. Roy, has written: "once a country silences and intimidates its intellectuals and freethinkers, a vicious cycle of … extremism becomes inevitable … it creates an intellectual vacuum, from which it could take many, many years to revert". [34]

73. Those who speak up in defence of the cultural rights of others against extremist or fundamentalist policies or measures often face grave risk. These include the late Salman Taseer, the governor of Punjab in Pakistan, who advocated for a Christian woman, Asia Bibi, who had been sentenced to death for blasphemy. [35] Mr. Taseer was killed by a bodyguard who was subsequently sentenced to death and executed, but lionized by some. Htin Lin Oo, a former National League for Democracy official, was sentenced to two years hard labour in Myanmar, although later pardoned and released, after giving a speech at a 2014 literary event criticizing the use of Buddhism for promoting discrimination. [36]

C. The right to take part in cultural life without discrimination

1. Women's cultural rights

74. While observing that reference to culture, religion and tradition has often been misused to justify discrimination, the Special Rapporteur's predecessor proposed a paradigm shift: from viewing culture as an obstacle to women's rights to emphasizing the need to ensure women's equal enjoyment of cultural rights (see A/67/287). Women's cultural rights are a prime target for fundamentalists and extremists, who often claim to be defending culture, religion or tradition but instead deny the rights of others in these regards.

75. The struggle for women's rights is an essential component of the fight against all forms of extremism, fundamentalism and terrorism. The gender component is not optional. "Every step forward in the fight for women's rights is a piece of the struggle against fundamentalism." [37]

76. Women human rights defenders have been leading the fight against fundamentalism and extremism for decades without sufficient attention being paid to their concerns by Governments, international organizations or the international human rights movement. They have urged that attention be paid to "warning sign of fundamentalism", including rising violence against women, obvious developments which were "often ignored for the sake of national and religious unity". [38]

77. Women human rights defenders challenging fundamentalist and extremist movements by, inter alia, defending women's rights to take part in cultural life without discrimination are defending dynamic, living culture and cultural rights in accordance with

[34] Quoted in International Humanist and Ethical Union, "The freedom of thought report 2015", p. 7.

[35] Human Rights First, "Blasphemy law(lessness) in Pakistan", 16 February 2011.

[36] Amnesty International, "Htin Lin Oo released after presidential pardon", (urgent action 16/15, Amnesty International index No. ASA 16/3862/2016 Myanmar), 19 April 2016.

[37] Zeinabou Hadari, cited in *Your Fatwa Does Not Apply Here: Untold Stories from the Fight against Muslim Fundamentalism*, Karima Bennoune (2013), p. 82.

[38] Ayesha Imam, Jenny Morgan and Nira Yuval-Davis, eds., *Warning Signs of Fundamentalisms* (Women Living Under Muslim Laws, 2004), p. xiv.

international norms. They are cultural rights defenders. The Special Rapporteur concurs with the statement issued by the Special Rapporteur on violence against women, its causes and consequences, and the Special Rapporteur on the situation of human rights defenders, along with the Working Group on the issue of discrimination against women in law and practice, alerting the international community that a "global trend of fundamentalism and populism" poses increasing risks to women human rights defenders.[39]

78. For example, in Israel, Women of the Wall have reportedly been harassed for their activities, including for posting adverts on buses in favour of women's right to worship in equality and for their legal battle to worship at the Western Wall as men do. The Rabbi of the Wall continues to refuse to allow women to use the Torah scrolls at the wall or to bring their own.[40] Moreover, there have been reported attempts at imposing gender segregation in the ultra-Orthodox Jewish population in a number of countries, sometimes even through the exclusion of children from religious schools if their mother drives a vehicle.[41]

79. Some Pentecostal churches in Africa reportedly requested that their congregations sign petitions against the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which inter alia guarantees women's rights to participation in formulating cultural policies (art. 17).[42]

80. Women human rights defenders and women involved in the arts are regularly targeted by fundamentalists, such as Shaima Rezayee, a 24-year-old music programme presenter in Afghanistan murdered by the Taliban in 2005 shortly after the country's Ulema Shura (a government council of religious scholars), had criticized her station and others for transmitting "programs opposed to Islam and national values".[43] In February 2015, Intisar al-Hasiri, a Libyan civil rights activist, blogger and leading member of Tanweer (Enlightenment), a group dedicated to education, music and the arts, was found murdered, likely by Islamist militiamen.[44]

2. Attacks against others based on their perceived or assumed "difference"

81. Far right movements using racism and xenophobia as rallying cries have proliferated across Europe and North America. They single out "others" and their cultures for scorn, with immigrants, refugees, Muslims, Jews and Roma and cultural sites associated with them among the most ubiquitous targets. They have increasing numbers of elected representatives, have entered the political mainstream and are gaining in acceptability. Some of these movements, such as neo-Nazis are especially threatening to basic human rights and have proven their willingness to resort to violence and promote openly racist beliefs. Some European countries are between Scylla and Charybdis, simultaneously contending with terrorism carried out by fundamentalists, and far right-wing political extremist groups that capitalize on both this fundamentalist violence and economic malaise to advance their own exclusionary conceptions of citizenship.

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[39] "Fundamentalism and populism pose deepening threat to women defending human rights, UN experts warn", 25 November 2016.

[40] Lisa Fishbayn Joffe, "The migration of religious gender norms into secular cultural spaces: Ultra-Orthodox Judaism in Israel and the United States of America", October 2016.

[41] See National Secular Society, "NSS calls for investigation of Orthodox Jewish schools after driving ban on mothers", 29 May 2015, and Geraldine Gudefin, "Sex segregation in public life in the Jewish world: the European case", October 2016.

[42] Horn, "Christian fundamentalisms", p. 13.

[43] Reporters Without Borders, "TV presenter shot dead", 18 May 2005.

[44] Cairo Institute for Human Rights Studies, "Libya: Urgent action needed by the United Nations in the face of gross ongoing violations", 26 February 2015.

82. Studies report that in past decades Roma and other minorities have been murdered in Hungary in relation to the extremist agenda.[45] Parties with an exclusionary agenda have been linked to violent attacks on immigrants and refugees, in numerous countries, including Germany[46] and Greece.[47]

83. There has been a significant rise in hate speech and hate violence in the United States of America in the wake of the 2016 presidential elections, targeting in particular immigrants, Muslims, Jews, Latinos, African-Americans, lesbian, gay, bisexual and transgender people and women.[48] These incidents have often specifically referenced the President-Elect or his campaign rhetoric. The Special Rapporteur has been especially concerned at the number of incidents that targeted educational institutions and students.[49] There was also a sharp increase in hate crimes in the United Kingdom of Great Britain and Northern Ireland following the 2016 European Union referendum.[50] This climate reportedly made some immigrants reluctant to speak their native languages in public. Woman parliamentarian Jo Cox, a noted defender of refugee rights, was killed one week before the referendum by a man motivated, as the judge who sentenced him to life in prison noted, by "white supremacism and exclusive nationalism … associated with Nazism".[51]

84. Fundamentalist and extremist assaults on minorities and their cultural sites and practices have become widespread around the world, whether Muslims attacked by Buddhist, Hindu or Christian fundamentalists in some locations, or Muslim fundamentalists attacking Hindu, Christian, Jewish, Yazidis and other minorities across several regions. These incidents range in severity from hate speech to genocide, with some patterns of incidents resulting in large-scale flight of members of these groups, which will transform and impoverish the cultural landscape.

85. Fundamentalist and extremist groups often seek to block the mixing of people and to blot out symbols of coexistence. For example, Sikh fundamentalist groups have reportedly used gangs of masked men to forcibly disrupt mixed marriages.[52]

86. Those perceived as lesbian, gay, bisexual and transgender remain targets of organized abuse, including by religious extremists and extreme nationalists, which deprives them of many human rights, including the right to take part in cultural life, without discrimination (see A/HRC/29/23, para. 22, citing A/HRC/26/50, paras. 10 and 14-15, and A/HRC/28/66, para. 11). Terrorist groups may target lesbian, gay, bisexual and transgender persons for punishment, including killings (see CRC/C/IRQ/CO/2-4, paras. 27-28). In February 2015, photos appeared to show several men, allegedly accused of homosexual

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[45] Vidhya Ramalingam, *On the Front Line: a guide to countering far-right extremism* (Institute for Strategic Dialogue, 2014).

[46] *Zeit* Online, "Zahl rassistischer Übergriffe steigt" [Number of Racist Attacks Rises], 27 January 2015. See also discussion in European Commission against Racism and Intolerance, "Report on Germany", CRI (2014)2, paras. 46–48.

[47] See Amnesty International, "Annual Report 2015/16 (Greece)". Available from www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/.

[48] Attorney General Lynch's video statement on hate crimes in America, 18 November 2016; Southern Poverty Law Center, "1094 Bias-Incidents in the Month Following the Election", 16 December 2016.

[49] See, e.g., Joshua Sharpe, "Muslim Gwinnett teacher told to 'hang yourself' with her headscarf", The Atlanta Journal-Constitution, 11 November 2016.

[50] See www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf.

[51] See https://www.judiciary.gov.uk/wp-content/uploads/2016/11/sentencing-remarks-r-v-thomas-mair.pdf.

[52] Sukhwant Dhaliwal, "Resurgent Sikh fundamentalism in the UK: time to act?", Open Democracy, 18 October 2016. One incident reportedly resulted in 55 arrests, with 5 ongoing investigations.

acts, being pushed off a tower to their deaths by militants of Islamic State in Iraq and the Levant.[53]

87. Violence committed against lesbian, gay, bisexual and transgender pride parades has been justified by religious representatives, such as in Croatia,[54] where some Catholic clergy argued that participants at the 2011 parade in Split "got what they deserved", alongside a professor of the Catholic Theology College calling for the lynching of the lesbian, gay, bisexual and transgender marchers.[55] In July 2015, marchers in the Jerusalem pride parade were assaulted, resulting in the death of Shira Banki, 16,[56] at the hands of an ultra-Orthodox man who had recently been released from prison after stabbing three participants at the 2005 march. He has since been sentenced to life in prison for the 2015 attack.

88. Violence against lesbian, gay, bisexual and transgender people highlights the transnational nature of fundamentalisms and extremisms. For example, Christian fundamentalist leaders and groups from the United States have reportedly supported an anti-lesbian, gay, bisexual and transgender agenda in Uganda, through speeches and funding.[57]

89. One common theme among fundamentalist- and extremist-inspired assaults on cultural rights has been to quash expression of lesbian, gay, bisexual and transgender themes and positive representation of lesbian, gay, bisexual and transgender persons. For example, movies or plays portraying homosexual relationships have been banned in various countries.

D. Attacks against educational institutions, personnel and students

90. Fundamentalists everywhere target education in different ways. In some places, they kill teachers or carry out acid attacks on students. Elsewhere they attempt to impose gender segregation in schools or to exclude women and girls altogether. In other places, they seek to change the content of education, removing sex education from the curriculum or censoring scientific theories with which they do not agree.[58]

91. Fundamentalist movements such as Boko Haram (often translated as "Western education is a sin") repeatedly target educational institutions and students, of which the kidnapping of 276 schoolgirls in April 2014 is only one terrible example. In April 2015, Al-Shabaab attacked Garissa University in Kenya, killing 147 students, with Christian students particularly targeted.[59] There has been widespread targeting of girls' schools by fundamentalist armed groups in Afghanistan and Pakistan. In the Arakan State in Myanmar, destruction of Muslim schools both by authorities and Arakanese mobs influenced by

[53] OHCHR, press briefing notes on ISIL/Iraq, 20 January 2015.

[54] Jan Postić, "Sexual orientation and gender identity activists challenge regressions in Croatia", AWID, 30 January 2014.

[55] "Split Pride Organizers ask the State Attorney's Office to investigate priest Ante Mateljan!?", available from www.bitno.net/vijesti/hrvatska/organizatori-split-pridea-traze-od-dorh-a-istragu-protiv-svecenika-ante-mateljana/.

[56] Tal Dahan, "Situation report: the state of human rights in Israel and the OPT 2015" (Association for Civil Rights in Israel, 2015), p. 4.

[57] Jeffrey Gettleman, "Americans' role seen in Uganda anti-gay push", *New York Times*, 3 January 2010.

[58] Cornelia Dean, "Evolution takes a backseat in U.S. classes", *New York Times*, 1 February 2005.

[59] Security Council press statement on Al-Shabaab attack in Garissa, Kenya, SC/11850-AFR/3104, 3 April 2015.

Buddhist fundamentalism has been reported as one component of the ethnic cleansing and crimes against humanity there directed against the Rohingya minority.[60]

92. Education is central to recruitment and indoctrination by Islamic State in Iraq and the Levant, which begins at school and intensifies in training camps in conflict contexts, where many regular schools have been destroyed.[61] Children are thus obliged to follow a curriculum designed by Islamic State in Iraq and the Levant, in which subjects such as music, history and social studies have been removed and replaced by what is deemed religious instruction. There have reportedly been killings of educators by Islamic State in Iraq and the Levant for refusing to teach this curriculum.

IV. Conclusions and recommendations

A. Conclusions

93. **This is a wake-up call for our times. We face a multidirectional global avalanche of hate to which we must have an urgent global riposte. We must build and rebuild the culture of human rights and basic decency everywhere through effective, thoughtful, international law-abiding global action, within a universal human rights framework. States, international organizations and civil society must come together to develop comprehensive and courageous strategies.**

94. **Fundamentalist and extremist ideologies, when aiming at forcing or coercing people into specific world visions, beliefs systems and cultural practices, are a threat to human rights, and more specifically to cultural rights. Too numerous are the artists, writers, theatre directors, dancers, museum curators, educators and human rights defenders who are threatened or attacked by fundamentalist and extremist State and non-State actors and risk their lives to continue their work, to express themselves and to defend cultural rights for all, without discrimination. They are on the frontlines, together with people who simply wish to participate in cultural life in their own way and are also under attack. The international community must stand with them.**

95. **Cultural rights, understood as fully integrated within the human rights system, are critical counterweights to fundamentalism and extremism; they call for free self-determination of individuals, respect for cultural diversity, universality and equality.**

B. Recommendations

96. **To effectively respond to fundamentalism and extremism and prevent, punish and stop the violations of human rights, in particular cultural rights, to which they give rise, the Special Rapporteur recommends that the international community:**

(a) **Understand fundamentalism and extremism as human rights issues to which a human rights approach is essential;**

(b) **In accordance with relevant international law, recognize and combat extremist and fundamentalist ideologies that promote sectarianism and discriminatory attitudes towards, inter alia, those with different world views,**

[60] Human Rights Watch, "All you can do is pray: crimes against humanity and ethnic cleansing of Rohingya Muslims in Burma's Arakan State", 22 April 2013.

[61] Noman Benotman and Nikita Malik, *The Children of Islamic State* (Quilliam, 2016).

minorities and women. This should be done, in particular through education in accordance with international standards, informed by humanism, including about the value of cultural diversity, the cultural rights of all and histories of coexistence;

(c) Examine how and why fundamentalism and extremism take root in any given society and combat the root causes through, inter alia, implementation of economic, social and cultural rights;

(d) Develop a framework for recognizing the warning signs of fundamentalism and take preventive action in accordance with international norms to stop the rise of such movements and ensure human rights.

97. **States should:**

(a) Respect, protect and fulfil cultural rights, including the right to freedom of artistic expression and the right to take part in cultural life without discrimination, in accordance with their international obligations;

(b) Recognize and emphasize the promotion and respect of culture and cultural rights, with adequate funding and including the equal cultural rights of women, as core aspects of any successful strategies for tackling fundamentalism and extremism;

(c) Reaffirm the universality of human rights and not undermine this principle;

(d) Promote equality for all, in accordance with international standards;

(e) Ratify and implement relevant human rights treaties, including the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol;

(f) Lift all reservations to human rights treaties, and the Convention on the Elimination of All Forms of Discrimination against Women in particular, which undermine the principles of universality and equality;

(g) Act in accordance with due diligence standards to ensure that non-State actors engaging in fundamentalist and extremist abuses of cultural rights are prosecuted and punished according to international norms;

(h) Prevent violations of cultural rights by non-State actors, including by prohibiting funding of fundamentalist and extremist groups, in accordance with international standards; redouble efforts to stop the flow of arms and resources to extremist and fundamentalist groups;

(i) Condemn all acts of extremist or fundamentalist violence, in particular those that undermine cultural rights, and express solidarity with victims;

(j) Ensure that all victims of fundamentalist or extremist abuses, including in the cultural rights area, have access to an adequate remedy, reparation and compensation, without discrimination;

(k) Develop plans of action that are fully gender sensitive to protect religious, ethnic and sexual minorities and women from extremism and fundamentalism, and implement urgent action policies when such groups are the targets of fundamentalist and extremist threats or violence;

(l) Ensure that those at risk from fundamentalist and extremist violence and abuse, including as a result of exercising their cultural rights, are given asylum, are not returned to contexts where they will be at risk and are fully protected, including from xenophobic attack, while in refugee camps and centres;

(m) **Take all necessary measures to respect and ensure the human rights of human rights defenders, including cultural rights defenders and women human rights defenders, challenging fundamentalism and extremism, including by investigating all threats and attacks against them, bringing perpetrators to justice and providing protection where necessary and in agreement with those affected;**

(n) **Remove obstacles for the functioning of an independent civil society that promotes human rights in accordance with international norms;**

(o) **Involve human rights defenders, including women human rights defenders, with relevant expertise, in all programmes and policy discussions regarding combating fundamentalism and extremism, including at international conferences and negotiations; ensure that the impact on human rights, including cultural rights, is always a core agenda item in such forums;**

(p) **Provide for and protect the separation of religion and State and guarantee religious freedom, including the right to believe, not to believe and to change one's belief, in accordance with international law;**

(q) **Respect and ensure the right to education for all without discrimination, in accordance with international standards; take urgent steps to protect schools, including girls' schools, students and educators where they are at risk;**

(r) **Ensure that schools, curricula and textbooks are not promoting fundamentalist or extremist ideology or discrimination;**

(s) **Ensure that the impact of fundamentalist and extremist ideology and violence is taught appropriately in schools and through campaigns of public awareness, including in the media;**

(t) **Promote documentation and analysis of fundamentalism and extremism inter alia through research centres, libraries and museums;**

(u) **Act effectively to combat fundamentalism and extremism but refrain from violating human rights or international law in so doing; not use the legitimate struggle against fundamentalism and extremism as an excuse for violations of human rights.**

98. **Non-governmental organizations, civil society and experts should:**

(a) **Document the role of fundamentalist and extremist ideology in human rights abuses by State and non-State actors and campaign against both the abuses and the ideologies that give rise to them;**

(b) **Document the impact of State funding in the rise of extremism and fundamentalism and develop mechanisms for holding such States accountable;**

(c) **Support human rights defenders who are combating fundamentalism and extremism and avoid undermining their work;**

(d) **Decline to partner with or whitewash fundamentalists or extremists, even those who may have been victims of human rights violations and even while acting legitimately in defence of their human rights;**

(e) **Submit cases concerning fundamentalist and/or extremist abuses to treaty bodies under relevant complaints procedures;**

(f) **Work to sensitize the media to the importance of countering fundamentalism and extremism.**

99. **Relevant United Nations treaty bodies should consider:**

(a) **Adopting general comments about the human rights impact of fundamentalism and/or extremism;**

(b) **Systematically address the human rights impact of diverse forms of fundamentalism and extremism where relevant when questioning States parties about their reports and in making concluding observations.**

100. **The United Nations and other intergovernmental bodies should:**

(a) **Organize an international expert meeting on the human rights impact of fundamentalism and extremism across regions, bringing together experts, human rights defenders, including women human rights defenders, from around the world, to discuss best practice for responding;**

(b) **Guarantee the participation of representatives from civil society, especially from women's organizations who have long been working on these issues, in all relevant international meetings;**

(c) **Develop a set of guiding principles for effectively combating fundamentalism and extremism in accordance with international law.**